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Southern District of New York

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOYOTA MOTOR CORPORATION,
TOYOTA MOTOR NORTH AMERICA, INC.,
TOYOTA MOTOR SALES, U.S.A., INC., and
TOYOTA MOTOR ENGINEERING &
MANUFACTURING NORTH AMERICA, INC.,

Defendants.

No. 21 Civ. 323 (DLC)

NOTICE OF PERIOD OF NONCOMPLIANCE WITH THE CONSENT DECREE

WHEREAS, the Consent Decree entered in this matter on April 2, 2021, ECF No. 12 (the “Consent Decree”), provides that defendants may serve upon the United States a notice of termination of the Consent Decree after (among other things) they “have maintained continuous satisfactory compliance with [the] Consent Decree for a period of three years” [¶73]

WHEREAS, from April 5, 2021, to August 10, 2021, Toyota failed to include in Emissions Defect Information Reports (“EDIRs”) filed with EPA certain information required by paragraph

4(b) and (c)(2) of the Specific Defect Reporting and Investigation Protocols set forth in Appendix A of the Consent Decree;

WHEREAS, in light of this non-compliance with the Consent Decree, on April 7, 2022, Toyota paid the United States a stipulated penalty of \$7,780,000 pursuant to Section IX of the Consent Decree;

PLEASE TAKE NOTICE, therefore, that the position of the United States is that the “continuous satisfactory compliance” with the Consent Decree, for the purpose of the termination provisions of the Consent Decree, does not begin until at least August 11, 2021, and

PLEASE TAKE NOTICE, that the United States reserves the right to contend that any noncompliance subsequent to August 11, 2021, requires the period of “continuous satisfactory compliance” to be calculated from a later date.

Dated: June 21, 2022
New York, New York

Respectfully submitted,

DAMIAN WILLIAMS
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Southern District of New York

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